

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

03 MDL 1570 (GBD)(FM)
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THIS DOCUMENT RELATES TO:

ASHTON, *et al.* v. AL QAEDA ISLAMIC ARMY, *et al.*,
Case No. 02-CV-6977;
BURNETT, *et al.* v. AL BARAKA INVESTMENT & DEVELOPMENT CORP., *et al.*,
Case No. 03-CV-9849¹;
CANTOR FITZGERALD ASSOCIATES, LP, *et al.* v. AKIDA INVESTMENT CO., LTD., *et al.*,
Case No. 04-CV-7065;
CONTINENTAL CASUALTY CO., *et al.* v. AL QAEDA ISLAMIC ARMY, *et al.*,
Case No. 04-CV-5970;
EURO BROKERS, INC., *et al.* v. AL BARAKA INVESTMENT AND DEVELOPMENT CORP.,
et al.,
Case No. 04-CV-7279;
FEDERAL INSURANCE CO., *et al.* v. AL QAIDA, *et al.*,
Case No. 03-CV-6978;
ESTATE OF O'NEILL, *et al.* v. AL BARAKA INVESTMENT AND DEVELOPMENT CORP., *et al.*,
Case No. 04-CV-1923;
WORLD TRADE CENTER PROPERTIES LLC, *et al.* v. AL BARAKA INVESTMENT AND
DEVELOPMENT CORP., *et al.*,
Case No. 04-CV-7280

DECLARATION OF ROBERT T. HAEFELE

I, Robert T. Haefele declare under penalty of perjury:

1. I am an attorney admitted to practice *pro hac vice* before this Court and an

¹ Though the Rule 72 Objections of the U.S. branch office of the Al Haramain Islamic Foundation were filed as "related to" all of the cases listed here, the motion to compel that underlies these Rule 72 Objections is related to only the Burnett case (Case No. 03-CV-9849). Throughout the underlying history of this discovery dispute, only the Burnett plaintiffs were engaged in discovery with Al Haramain, because Al Haramain's motions to dismiss remained pending as to the remaining plaintiffs' cases until the Court's most recent ruling. The other cases are, however, included in this caption because they were so listed in the Rule 72 Objections.

attorney at the firm of MOTLEY RICE LLC, counsel for Plaintiffs in *Burnett, et al. v. Al Baraka Investment & Development Corp., et al.*, Civil Action No. 03 CV 9849. I submit this declaration to identify and transmit the exhibits referenced in Plaintiffs' Opposition to Defendant Al Haramain Islamic Foundation, Inc. (USA)'s Rule 72 Objection to October 28, 2010 Ruling.

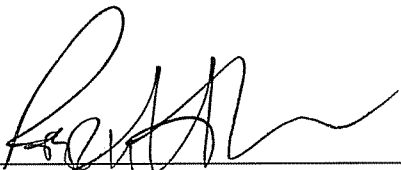
2. Attached as Exhibit A is a true and accurate copy of the letter of Robert T. Haefele, dated December 2, 2009, to the Hon. Frank Maas, U.S.M.J., requesting on behalf of the *Burnett* plaintiffs that the Court enter an order compelling discovery from AHIF;
3. Attached as Exhibit B is a true and accurate copy of the Declaration of Robert T. Haefele, dated November 30, 2009, transmitting to the court exhibits 1 through 60, in support of the *Burnett* Plaintiffs' motion to compel discovery from defendant AHIF;
4. Attached as Exhibit C is a true and accurate copy of the Letter of Robert T. Haefele, dated January 5, 2010, to the Hon. Frank Maas, U.S.M.J., in further support of the *Burnett* plaintiffs' request that the Court enter an order compelling discovery from AHIF;
5. Attached as Exhibit D is a true and accurate copy of the Declaration of Robert T. Haefele, dated January 5, 2010, transmitting to the court exhibits 61, in support of the *Burnett* Plaintiffs' motion to compel discovery from defendant AHIF;
6. Attached as Exhibit E is a true and accurate copy of the Transcript of the

Hearing in *In re Terrorist Attacks on September 11, 2001*, 03 MDL 1570, before the Hon. Frank Maas, held on February 8, 2010, pages 1, 2, and 22-54, and

7. Attached as Exhibit F is a true and accurate copy of the Transcript of the Hearing in *In re Terrorist Attacks on September 11, 2001*, 03 MDL 1570, before the Hon. Frank Maas, held on October 28, 2010, pages 1, 2, and 16-18.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 29, 2010.



ROBERT T. HAEFELE

Sworn before me, this 29th day of November, 2010



My commission expires,

